

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RUDY MENDOZA,)	
Petitioner,)	Civil Action No. 12-59 Erie
)	
v.)	District Judge Sean J. McLaughlin
)	Magistrate Judge Susan Paradise Baxter
ERIE COUNTY DISTRICT)	
ATTORNEY'S OFFICE;)	
ERIE COUNTY COURT OF COMMON)	
PLEAS; ERIE COUNTY EXECUTIVE/)	
COUNCIL; ERIE COUNTY REGIONAL)	
CONTRACT JAIL ALBION; INMATE)	
GENERAL WELFARE FUND; AND,)	
PENNSYLVANIA DEPARTMENT OF)	
CORRECTIONS,)	
Respondents.)	

MEMORANDUM ORDER

SEAN J. McLAUGHLIN, Chief District Judge.

State prisoner Rudy Mendoza commenced this case on or around February 28, 2012, by filing a petition for a writ of habeas corpus. On September 5, 2012, U.S. Magistrate Judge Susan Paradise Baxter issued a Report and Recommendation ("R&R") [ECF No. 32] in which she recommended that the petition be summarily dismissed and that a certificate of appealability be denied. Mendoza was notified that Objections to the R&R were due by September 24, 2012.

Mendoza filed his Objections to the R&R on September 18, 2012. [ECF No. 34]. This Court issued a Memorandum Order on October 4, 2012, in which we adopted the R&R as the opinion of the Court as supplemented therein and closed this case. [ECF No. 35]. We conducted a *de novo* review of all arguments raised by Mendoza in his Objections and found that they had no merit.

Mendoza next filed a motion to alter or amend the judgment pursuant to Federal Rule 59(e) of the Federal Rules of Civil Procedure. [ECF No. 36]. On October 17, 2012, we issued a Memorandum

Order in which we denied that motion. [ECF No. 37]. A few weeks later, Mendoza filed a request for a certificate of appealability with the U.S. Court of Appeals for the Third Circuit. On March 3, 2013, the Third Circuit Court denied the request. Mendoza filed a motion for rehearing en banc, which the Third Circuit Court denied on April 29, 2013. See Court of Appeals Docket No. 12-4171.

On February 28, 2013, while his proceeding before the Third Circuit Court was still pending, Mendoza filed with this Court a document entitled "Objections to the Magistrate Judge's Report and Recommendation." [ECF No. 41]. In this second set of Objections, he reasserts the same arguments for habeas relief that he made in his petition, his first set of Objections, and his Rule 59(e) motion. These second Objections are improper because he already filed Objections to the Magistrate Judge's R&R and we considered and rejected them and closed this case. He cannot reopen this case now by filing another set of Objections to the R&R.

Accordingly, this 10th day of June, 2013, it is hereby ORDERED that the document entitled "Objections to the Magistrate Judge's Report and Recommendation" at ECF No. 41 is DISMISSED.

cc: All parties of record
Susan Paradise Baxter,
U.S. Magistrate Judge

s/ Sean J. McLaughlin
Chief United States District Judge